

REMARKS

This is a response under 37 CFR §1.116. The remarks herein, to the extent they were not presented earlier, are now presented because they are necessitated by the arguments made by the Examiner in the last office action. Since this response is being filed within two months of the mailing date of the final rejection, an advisory action is respectfully requested. Claims 16-35 are in this application. Claims 1-15 have been cancelled.

The Examiner rejected claims 32-35 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner argued that there is no support in the originally-filed specification for a top opening.

Claim 32 recites:

"The electronics cabinet of claim 16 wherein the exterior surface includes a top air opening spaced apart from the upper air opening, the upper mounting openings being formed around the top air opening."

The upper air opening can be read to be, for example, the center opening of the three openings 220A shown in FIG. 2 of applicant's originally-filed specification. In addition, the top air opening can be read to be, for example, the left-side opening of the three openings 220A shown in FIG. 2 of applicant's originally-filed specification. Further, the upper mounting openings (that are formed around both the upper air opening and the top opening) can be read to be, for example, openings 220C.

Thus, from what can be determined, claims 32-35 satisfy the requirements of the first paragraph of section 112. (The Examiner indicated that the top air opening is a confusing renaming of one of the openings 220A. Applicant, however, is respectfully unclear as to why this is confusing. The term "top" is merely an adjective used to allow for proper antecedent basis in the final phrase of claim 32.)

The Examiner rejected claims 16-22 under 35 U.S.C. §103(a) as being unpatentable over Kormos (DE 197 09 145) in view of Jiyosefu (JP 03-250698) and further in view of Hawks (U.S. Patent No. 6,637,374). For the reasons set forth below, applicant respectfully traverses this rejection.

Claim 16 recites:

“an enclosure, an exterior surface of the enclosure having a lower air opening, an upper air opening, a number of lower mounting openings formed around the lower air opening, and a number of upper mounting openings formed around the upper air opening, the upper mounting openings not being formed around the lower air opening; and

“a heat exchanger attached to the enclosure such that an interior of the enclosure and an interior region of the heat exchanger form an air tight and water tight unit, no part of the heat exchanger extending into the enclosure.”

In rejecting the claims, the Examiner pointed to FIGS. 1-2 and 8-10 of Kormos as teaching a heat exchanger that is mounted entirely on the outside of an electronics cabinet. In addition, the Examiner pointed to “fastening means” 43 shown in FIGS. 1 and 7, and argued that “fastening means” 43 appear to accept a bolt that passes through “fastening means” 43 and plate 4 of the cabinet.

Applicant assumes that the Examiner has read the lower opening in plate 4 of the cabinet (that is associated with dashed air flow line 7) shown in FIG. 2 of Kormos to be the lower air opening required by claim 16. Applicant further assumes that the Examiner has read the upper opening in plate 4 of the cabinet (that is associated with dashed air flow line 14) shown in FIG. 2 of Kormos to be the upper air opening required by claim 16. (Applicant notes that FIG. 7 of Kormos shows an exploded view of another embodiment.)

Applicant also assumes that the Examiner has read the mounting openings formed through plate 4 of the cabinet that coincide with “fastening means” 43 to be the lower and upper mounting openings required by claim 16. The Kormos

reference, however, does not teach or suggest that the mounting openings formed through plate 4 are formed on all sides of (around) the lower air opening and the upper air opening as required by claim 16.

As a result, the Examiner appears to point to air passages 28 and 29 (label 30 refers to two elements) shown in FIG. 10 of Jiyosefu as constituting the lower and upper air openings required by claim 16, and apertures 24 shown in FIG. 10 of Jiyosefu as constituting the lower and upper mounting openings required by claim 16. The Examiner then argued that it would have been obvious to have mounted the heat exchanger of Kormos to plate 4 of the cabinet using a plurality of bolts that are formed around the lower and upper air openings.

However, one skilled in the art would not be motivated to form first mounting openings in plate 4 of the cabinet (positioned around the lower opening in the cabinet associated with dashed air flow line 7), and second mounting openings in plate 4 of the cabinet (positioned around the upper opening associated with dashed air flow line 14) because it is not possible to connect a "mounting means" 43 to all of these proposed mounting openings.

For example, although additional "mounting means" 43 could be attached to the top side of the heat exchanger shown in FIGS. 1 and 2 of Kormos, and thus lie above the upper opening associated with dashed air flow line 14, it would not be possible for any "mounting means" 43 to be attached below the upper opening associated with dashed air flow line 14 (and above the lower opening associated with dashed air flow line 7) because the body of the heat exchanger would block this connection.

Thus, since Kormos (DE 197 09 145) in view of Jiyosefu (JP 03-250698) and further in view of Hawks do not teach or suggest lower and upper mounting openings, claim 16 is patentable over Kormos in view of Jiyosefu and further in view of Hawks. In addition, since claims 17-22 depend either directly or indirectly from

claim 16, claims 17-22 are patentable over Kormos in view of Jiyosefu and further in view of Hawks for the same reasons as claim 16.

The Examiner also rejected claims 24-35 under 35 U.S.C. §103(a) as being unpatentable over Kormos (DE 197 09 145) in view of Jiyosefu (JP 03-250698) in view of Hawks (U.S. Patent No. 6,637,374) and further in view of Koltuniak (U.S. Patent No. 3,396,780). In rejecting the claims, the Examiner appears to argue that Kormos in view of Jiyosefu and Hawks teach all of the limitations of claim 16.

However, as indicated above, claim 16 is patentable over Kormos in view of Jiyosefu and Hawks. As a result, since claims 24-35 depend from claim 16, claims 24-35 are patentable over Kormos in view of Jiyosefu and Hawks and further in view of Koltuniak for the same reasons that claim 16 is patentable over Kormos in view of Jiyosefu and Hawks.

Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are respectively requested.

Respectfully submitted,

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